

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 635

To amend title 10, United States Code, to repeal the social security offset applicable to certain annuities for surviving spouses paid under the Survivor Benefit Plan for retired members of the Armed Forces to the extent that such offset is due to social security benefits based on the surviving spouse's own earnings or self-employment.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 1993

Mr. SUNDQUIST introduced the following bill; which was referred to the  
Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to repeal the social security offset applicable to certain annuities for surviving spouses paid under the Survivor Benefit Plan for retired members of the Armed Forces to the extent that such offset is due to social security benefits based on the surviving spouse's own earnings or self-employment.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MODIFICATION OF SOCIAL SECURITY OFFSET**  
2 **UNDER MILITARY SURVIVOR BENEFIT PLAN.**

3 (a) REPEAL OF OFFSET FOR BENEFIT BASED ON  
4 BENEFICIARY'S OWN EARNINGS.—Section 1451(e) of title  
5 10, United States Code, is amended—

6 (1) by striking out “would be entitled” in para-  
7 graph (3)(A) and inserting in lieu thereof “is enti-  
8 tled”; and

9 (2) by striking out the period at the end of  
10 paragraph (4)(A) and inserting in lieu thereof “or to  
11 the extent that the benefit to which the widow or  
12 widower is entitled is based on the widow or widow-  
13 er's own earnings or self-employment.”.

14 (b) RECOMPUTATION OF EXISTING ANNUITIES.—(1)  
15 In the case of an individual who is a beneficiary under  
16 the Survivor Benefit Plan and who is described in para-  
17 graph (2), the Secretary concerned shall recompute the  
18 amount of such individual's annuity under such Plan as  
19 provided in subsection (e) of section 1451 of title 10, Unit-  
20 ed States Code, as amended by subsection (a), if such re-  
21 computation is more favorable to the individual.

22 (2) Paragraph (1) applies to an individual—

23 (A) who is eligible under paragraph (1) of sub-  
24 section (e) of such section to have the individual's  
25 annuity under the Survivor Benefit Plan computed  
26 under such subsection; and

1 (B) who during the period beginning on Octo-  
2 ber 1, 1985, and ending on the date of the enact-  
3 ment of this Act—

4 (i) became eligible for such an annuity and  
5 whose annuity is computed under subsection  
6 (a)(1)(B), (a)(2)(B), or (c)(1)(B) of such sec-  
7 tion rather than under subsection (e) of such  
8 section; or

9 (ii) while in receipt of such an annuity be-  
10 came 62 years of age and had the annuity re-  
11 duced under subsection (d)(2)(A) of such sec-  
12 tion rather than under subsection (d)(2)(B).

13 (3) For purposes of this paragraph, the term “Survi-  
14 vor Benefit Plan” means the program under subchapter  
15 II of chapter 73 of title 10, United States Code.

16 (c) EFFECTIVE DATE.—The amendments made by  
17 subsection (a) and the provisions of subsection (b) shall  
18 apply only in the case of payments of annuities for periods  
19 that begin after the date of the enactment of this Act.

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